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General and complete disarmament: reducing nuclear danger; nuclear disarmament

Letter dated 5 June 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Indonesia to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the Rapporteur's summary of the brainstorming event on the politics of nuclear weapons and the implications for strategic stability, which was convened by the Permanent Mission of the Republic of Indonesia to the United Nations in Princeton, New Jersey, on 20 and 21 April 2002 (see annex).

I should be grateful if you would have the present letter and its annex distributed as a document of the fifty-sixth session of the General Assembly, under agenda item 74 (n) and (r).

(*Signed*) Desra **Percaya**
Chargé d'affaires a.i.

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Annex to the letter dated 5 June 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Indonesia to the United Nations addressed to the Secretary-General

Brainstorming on the politics of nuclear weapons and the Implications for Strategic Stability: Rapporteur's summary

General Background: The Permanent Mission of Indonesia to the United Nations organized and hosted this event, which took place at the Doral Forrestal Hotel and Conference Center in Princeton, New Jersey, on 20-21 April 2002. The conference addressed three topics: the legal and security implications of the recent US Nuclear Posture Review; the UN role in promoting nuclear non-proliferation and disarmament; and international cooperation against terrorism involving weapons of mass destruction. Eleven invited panelists made presentations, including representatives of the UN Department for Disarmament Affairs (two statements), the International Atomic Energy Agency, Harvard University, Stanford University, the Monterey Institute of International Studies, the Kaplan Fox law firm, and four non-governmental groups specializing in disarmament matters. Representatives from fourteen other Permanent Missions to the United Nations also attended, along with ten representatives from the Indonesian Mission, including Ambassadors Makmur Widodo and Mochamad S. Hidayat.

① Perspectives on Nuclear Disarmament and Non-Proliferation

Disarmament in General

One participant posed the question, "Does disarmament have a future?" and offered the following response: "It has to." Many participants echoed this view of the vital importance of disarmament to international peace and security. States pursue disarmament less as a moral virtue than because it serves their security. For multilateral arms control to succeed, one participant said that the effective power of its *proponents* -- plus engagement by civil society -- must be greater than the effective power of its *opponents*. Hence unity is required: the issue is not just the number of groups supporting disarmament, but the political salience of the issue. One participant described the institutional obstacles to disarmament in the United States as including: an opposed Executive; a paralyzed Congress; and an uninterested public. The way to defeat opponents of disarmament is to divide them, said one speaker. Another asked: what is strategic stability? The term is complicated: it has military, economic, and social/cultural dimensions. The key goal must be the security and prosperity for all.

New Nuclear Threats

New nuclear threats include -- the possible collapse of some nuclear-armed states; growing production and use of fissile nuclear materials worldwide; the theft of a nuclear weapon (unlikely, but possible, and responsibility rests with nuclear-weapon states to strengthen controls, though the IAEA has not received any requests for such assistance); the acquisition of fissile materials by terrorist groups (while it may be unlikely a group could make a nuclear weapon, this possibility cannot be discounted especially if fissile nuclear materials are available, this is why nuclear smuggling is such a problem);

weaponization of other radioactive sources (i.e. the deliberate dispersal of materials, a threat with limited consequences, but more likely); and a violent attack against a nuclear facility, many of which lack hardening or adequate physical security.

② US Nuclear Posture Review (NPR)

Key Criticisms Voiced

The NPR -- threw the structure of strategic arms control in disarray; by-passed START; did not call for reducing deployed strategic nuclear weapons significantly below the level agreed by Yeltsin and Clinton; failed to call for the destruction of excess delivery vehicles and warheads; was unclear about the what type of binding commitments would be made; lacked detail on verification; indicated that planned reductions would perpetuate large contingency nuclear forces; was inconsistent with the disarmament commitments made by the nuclear-weapon states at the 2000 NPT Review Conference; set forth a 50-year plan to develop and acquire new nuclear weapons and new launch platforms, including new low-yield warheads that probably would require nuclear testing; would maintain a permanent rationale to retain nuclear weapons; listed new potential nuclear targets including several non-nuclear-weapon states (NNWS) that are parties to the NPT (Libya, Syria, Iran, Iraq, DPRK); was inconsistent with repeated US "negative security assurances" to NNWS; would reduce the time to resume nuclear testing down to 1 year, contrary to the global norm against testing; would jeopardize the global non-proliferation regime; moved the US a step away from its old policy of "calculated ambiguity" with respect to the willingness of the US to use nuclear weapons in response to a WMD attack; and was in favour of missile defences, miniature nuclear weapons ("mini-nukes"), and integrating nuclear weapons with conventional arms in deterrence doctrine.

Does the NPR Represent US Policy?

One participant said: time will tell. Past NPRs were Pentagon documents that were cleared by other agencies. An NPR is an indicator of where many in government believe the government should go. The participant saw some hope for progress in the new US/Russian "strategic framework."

Legal Aspects and Negative Security Assurances

One speaker also noted that the NPR -- failed to consider legal issues, despite its intention to be comprehensive in scope; affirmed the futility of mutual assured destruction yet failed to derive the logical conclusions; and revealed that the US nuclear forces are unsuited to most of the contingencies they face. The speaker noted that -- the US has acknowledged that established principles of law (necessity, proportionality, and discrimination) governed the use of nuclear weapons; US military manuals recognize that a weapon whose effects are uncontrollable can't comply with these rules; and the US cannot deliver nuclear weapons without substantial harm to civilians. On negative security assurances, the speaker viewed both mutual-assured destruction and deterrence

as in violation of established rules of international law: specifically, the rules of necessity, proportionality, and discrimination. Virtually any use of a nuclear weapon would be in violation of law. The NPR says that today's nuclear arsenal continues to reflect its Cold-War origin. Against hard targets, current weapons are only partially useful; high accuracy was frequently unattainable under conflict conditions. If the US cannot deliver nuclear weapons accurately, and can't control radiation effects, then here is an important legal tool to oppose US arguments.

What Is New in the NPR?

One participant noted that much in the NPR was not new, e.g. the existence of contingency planning for nuclear strikes. The following elements, however, were new: new contingencies (e.g. the collapse of a nuclear-armed state); an explicit statement that underground BW facilities can withstand non-nuclear attack (this is the first time underground biological weapons facilities have been included in strategic thinking); a claim that a low-yield nuclear device would produce less collateral damage than a conventional attack (yet what is the political cost of violating the nuclear taboo?); and the option of preventive nuclear strikes to deal with a scenario involving the "surprise unveiling" of a weapons of mass destruction (WMD) capability. The speaker urged the international community to consider what would be the appropriate international responses if non-proliferation commitments are violated, because if there are no responses, the US approach is the only option on the table. The speaker also asked, if a collapse of a nuclear-armed state would give terrorists nuclear weapons, what should be the acceptable response?

Responses to Proliferation

Continuing this theme, another speaker said there were four possible responses to WMD proliferation: (1) denial by NP efforts; (2) deter opposing capabilities via threat of reprisal; (3) preventive/preemptive war options; and (4) defence. While elements of all four have always been evident to some degree in US policy, the NPR represents a significant shift to options 3 and 4. The NPR represents a rather coherent answer to the question of "what policy do you have if you reject multilateral non-proliferation efforts and to configure instead a unilateral approach?" The unilateral approach has several elements: strategic defences; deterrence; a shift from preventing *acquisition* to preventing *use*; aggressive diplomacy against proliferators; re-casting of US intelligence to get more precise information for planning preemptive/preventive attacks; emphasis on movable targets; integration of intelligence and war planning; preventive/preemptive uses of force; and repeated emphasis on flexibility of options against array of targets. Where the traditional arms community fears action/reaction dynamic, the Bush administration sees an " action/inaction dynamic."

③ The Role of the UN on Disarmament and Non-Proliferation

One speaker began by stressing the importance of treaties, the rule of law, and maintaining global norms, including those found in the Millennium Declaration. The

speaker stressed that it was important to distinguish between *outputs* (UNGA resolutions, speeches, etc.) and *outcomes* (concrete results). The speaker identified seven needed steps: transparency (in the case of the NPT: "permanence with accountability"); public education; the rule of law; promoting multilateralism; an expanded network of political support for disarmament; new efforts to reduce the risks of nuclear terrorism; and the possible establishment of a functional commission in ECOSOC to address the many cross-cutting issues of terrorism. The speaker also proposed the appointment of an international commission to take a fresh look at WMD post 9/11, focusing on -- non-proliferation; disarmament; the need a second wave of reform proposals in the Millennium process (much like the Brahimi report); and the need for efforts by outside groups (similar, for example to the work by the Canadians on humanitarian intervention). A "results-based approach" is vital if we are to have sustainable disarmament. The speaker stressed that "nuclear disarmament is in a lock-box, we must find the key." We must not view the "nuclear issue" as untouchable by the UN -- it is crucial to the Charter. Another speaker highlighted these UN roles: setting standards and norms; identifying priorities; connecting weapons issues with security issues; contributing to regional security; supporting negotiation of agreements/treaties; overseeing and providing authority to implement treaties; and enforcing compliance. This speaker urged against confusing the institution of multilateralism with particular structures or forums: in the Ottawa treaty, for example, a group of states working with civil society chose to go beyond institutions to ban landmines. Another said that in the corridors of government and even the UN, people don't think disarmament is possible, yet it is more naïve to maintain we can maintain the status quo. On WMD terrorism, one participant said that no nation can deal with this problem unilaterally; some effort is needed in the UN to "pull it all together."

④ Views on International Cooperation Against WMD Terrorism

Many speakers commented on the threats to international peace and security posed by the possible acquisition and use of WMD by terrorists. One speaker said that a terrorist attack using a nuclear weapon in New York City would have killed more than 100,000. The participants broadly agreed that progress in implementing multilateral disarmament commitments would help to alleviate the WMD terrorist threat. Some cautioned that disarmament efforts should not be subordinated to the war on terrorism. Some said missile defence offered nothing in addressing the WMD terrorism threat.

One speaker said there was an academic "conceptual bankruptcy" on terrorism as a national security issue. New challenges ahead involve both the nuclear/WMD challenge, and the danger of a possible "war of culture." Is the worst yet to come? Answer: definitely yes. Will civilization survive? Answer: yes, if we want to. The need to upgrade and share intelligence is critical. There is also a need to move into technological prevention; work with the relevant labs; and pursue certain technological responses that can reduce risk of nuclear terrorism. There is a need to explore measures to prevent terrorism by psychological means: there must be a response in the field of education and public affairs. One of the most insidious threats is cyber-terrorism. There is a need for more help to "first responders." There is a need for improved law enforcement and

military responses. There is now a growing incidence of terrorism -- yet the key is not the number of terrorist incidents but their impact. The root causes of terrorism remain intact, e.g. in South Asia and the Middle East. The collapse of the USSR has aggravated the terrorist threat. Now, terrorists are showing no regard for people; if terrorists see their cause is lost, they will have no resort other than terrorism.

Another speaker said that the dangers of handling radioactive materials are no longer a deterrent to terrorist use. Any terrorist use of WMD needs three levels of response: prevention; detection; and mitigation. Nuclear terrorists need external support: this applies to the theft, smuggling, or production of nuclear material.

Rule of Law and Terrorism

One participant asked: can we reach a consensus on "terrorism against one is terrorism against all"? If our focus is on the effects of the use of nuclear weapons: perhaps some agreement is possible here on the rule of law. The rule of law requires a universal regime, accepted by most countries -- if you do not have a regime to deal with non-compliance, and action is unilateral, then you have a problem. You need a convergence of views for multilateralism to work. Participants agreed on the importance of compliance with all disarmament and non-proliferation obligations.

⑥ Summary of Some Proposals Suggested by Various Participants

- Strengthen non-proliferation: strengthen verification to detect non-compliance; consider measures to strengthen enforcement; strengthen the unity of the UNSC in responding to proliferation; encourage members of the UNSC to fulfill their duty under Art. 26 of the Charter by formulating plans for an international system to regulate armaments; enforce UNSC and NPT resolutions on the Middle East and South Asia; make sanctions equitable; judge them against international criteria and avoid selective enforcement; think now, about how to galvanize international opinion to act in the event of BW use ;
- Initiatives applying specifically to the nuclear-weapon states: agreement by the US and Russia to reduce nuclear weapons to 500 or fewer; with commitments to reduce the rest: UK, France to 100 (continuing efforts also to reduce nuclear weapons in India, Pakistan, and Israel); reaffirm and strengthen negative security assurances; strengthen transparency; promote public education; disarmament advocates should keep open the option of taking this issue back to the International Court of Justice ;
- Strengthen controls over fissile nuclear materials: bring safeguards and physical security under one tent; increase funding for improvements of physical security over nuclear materials; share information; reinforcing border controls; cooperation among many states; strengthening physical security of nuclear materials; strengthen nuclear safety worldwide ;
- Develop a new global security concept to regulate international relations; find an alternative basis for security that will allow the abandonment of deterrence;

strengthen the rule of law: stress in particular accountability for compliance with treaties;

- Establish a closer link between progress on disarmament and development;
- Some initiatives for the UN: create an ECOSOC functional commission on terrorism; establish an international commission on "WMD after 11 September" to include participation from civil society; increase participation in the UN Conventional Arms Register: enhance transparency, and build support for a nuclear weapons register; promote the role of women in peace building; NAM should open up its deliberations to contributions from outsiders;
- Initiatives for civil society: press the nuclear-weapon states on the medical effects of nuclear attacks; explore new roles for non-governmental groups and civil society: societal verification;
- Initiatives against WMD terrorism: improve the means of technological prevention; explore measures to prevent terrorism by psychological means through, e.g. the fields of education and public affairs. Pay closer attention to the the coming threat of cyber-terrorism. Expand assistance to "first responders." Improve law enforcement and military responses. Address root causes of terrorism, e.g. in South Asia and the Middle East. Place a greater emphasis on sharing information, reinforcing border controls, and promoting cooperation among many states. Implement improved controls over fissile materials (see bullet above). Continue efforts to conclude a comprehensive treaty against terrorism and a nuclear terrorism convention. [Many additional initiatives are proposed in prepared written submissions.]